

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

STATE OF ALABAMA,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	2:19cv118-MHT
)	(WO)
CHARLES KELVIN JOHNS,)	
)	
Defendant.)	

OPINION AND ORDER

Although this lawsuit bears a 'civil' action number, it began as a 'criminal' case in state court against defendant Charles Johns, an inmate incarcerated at the Bullock Correctional Facility in Union Springs, Alabama. Johns removed the state criminal case to this federal court under 28 U.S.C. § 1443(1), which provides for removal of criminal prosecutions that involve denial or non-enforcement in state court of "a right under any law providing for [] equal civil rights." This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that the case should be remanded to state court. There

is no objection to the recommendation. After an independent and de novo review of the record, the court concludes that the magistrate judge's recommendation should be adopted.

Accordingly, it is the ORDER, JUDGMENT, and DECREE of the court that:

(1) The magistrate judge's recommendation (doc. no. 3) is adopted.

(2) Pursuant to 28 U.S.C. § 1455(b)(4), this cause is remanded to the Circuit Court of Pike County, Alabama.

The clerk of the court is DIRECTED to take appropriate steps to effect the remand.

This case is closed in this court.

DONE, this the 5th day of April, 2019.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE